

**FILED**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**



**DEC 02 2008**

JOHN D. JUSTICE, 87-B-0385,

**CLERK, US DISTRICT COURT, WDNY**

Plaintiff,

08-CV-6417-CJS

-vs-

**ORDER**

TERRY KING, *et al.*,

Defendants.

Plaintiff, proceeding pro se, filed an amended complaint (Docket No. 22), which is now the operative pleading for this action. Plaintiff was granted permission to proceed in forma pauperis, and service by the U.S. Marshal.

Accordingly, the Clerk of the Court is directed to serve the defendants who are already joined by sending a copy of the Amended Complaint (Docket No. 22) to counsel for the defendants, together with this Order. Additionally, the Clerk of the Court is directed to cause the United States Marshal to serve copies of the Summons, Amended Complaint, and this Order upon those defendants who have not yet been served, without plaintiff's payment therefore, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

The time for service is hereby extended for 120 days from entry of this Order. The time to Answer is extended for 20 days from service.

FURTHER, pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

The pending motions (Docket Nos. 25, 35 and 40) are denied as premature, pending service of the operative pleading and joinder of issue.

IT IS SO ORDERED.

Dated: November 30, 2008  
Rochester, New York

ENTER:

Charles J. Siragusa  
Charles J. Siragusa  
United States District Judge